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15 Attorneys for Plaintiff
16 IMAGEKEEPER, LLC

17 IN THE UNITED STATES DISTRICT COURT
18 FOR THE DISTRICT OF NEVADA
19

20 IMAGEKEEPER, LLC, a Nevada limited
21 liability Company,

22 Plaintiff,

23 v.

24 WRIGHT NATIONAL FLOOD
25 INSURANCE SERVICES, LLC, a
26 Delaware limited liability Company, and
27 EVOKE TECHNOLOGIES PRIVATE
28 LIMITED, an Ohio foreign corporation,

Defendants.

Case No. 2:20-cv-01470-GMN-VCF

**IMAGEKEEPER'S NOTICE OF
EVOKE'S LACK OF STANDING IN
RESPONSE TO EVOKE'S JOINDER TO
WRIGHT FLOOD'S MOTION TO
COMPEL TRADE SECRET
DISCLOSURE FROM IMAGEKEEPER
AND STAY OF DISCOVERY PENDING
THE SAME**

1 ImageKeeper LLC (“ImageKeeper”) files this Notice in response to Evoke Technologies
2 Private Limited’s (“Evoke”) Joinder to Wright National Flood Insurance Services, LLC’s
3 (“Wright Flood”) Motion to Compel Trade Secret Disclosures from ImageKeeper and Stay of
4 Discovery Pending the Same (“Motion”) (Dkt. 110). The Court is requested to deny Evoke’s
5 Joinder for the following reasons.

6 **First**, Evoke is a separate party to Wright Flood’s Interrogatory No. 1. Wright Flood’s
7 Motion seeks to compel further responses from ImageKeeper **only** on Wright Flood’s
8 Interrogatory No. 1. (Dkt. 110 at 13:22-23). Wright Flood served its First Set of Interrogatories
9 in its own capacity and only listed itself as the propounding party. *See* Dkt. 110-1 (Heidtke Decl.,
10 Exhibit B (ImageKeeper’s First Supplementary Responses). Evoke is not listed as a propounding
11 party to Wright Flood’s First Set of Interrogatories. As Evoke is not a propounding party to the
12 underlying discovery at issue in Wright Flood’s Motion, Evoke’s Joinder to Wright Flood’s
13 Motion is improper.

14 **Second**, Evoke has not served discovery requests on ImageKeeper. The parties have not
15 had any Rule 26 conference and ImageKeeper has also not served discovery requests on Evoke.
16 Thus, discovery has yet to commence between ImageKeeper and Evoke. A plaintiff is not
17 required to provide further trade secret disclosures before discovery commences. *Global*
18 *Advanced Metals USA, Inc. v. Kemet Blue Powder Corp.*, 2012 WL 3884939, at *7 (D. Nev.
19 Sept. 6, 2012). Likewise, ImageKeeper is not required to provide further trade secret disclosures
20 to Evoke. Evoke’s Joinder to compel discovery that has yet to commence is inappropriate.

21 In light of the foregoing, Evoke does not have standing to compel discovery to which
22 Evoke is not privy of. ImageKeeper respectfully requests that the Court deny Evoke’s Joinder to
23 Wright Flood’s Motion.

1 Dated: February 17, 2021

Respectfully Submitted,

2 POLSINELLI LLP

3
4 /s/ Colby B. Springer

By: Colby B. Springer (*Admitted Pro Hac Vice*)
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18 Attorneys for Plaintiff
19 IMAGEKEEPER, LLC

CERTIFICATE OF SERVICE

I hereby certify that I am a citizen of the United States and a resident of the State of California. I am over the age of 18 years and not a party to the within action. My business address is Polsinelli LLP, Three Embarcadero Center, Suite 2400, San Francisco, CA 94111. I am employed in the office of a member of the bar of this Court, at whose direction the service was made.

On February 17, 2021, I served the following documents in the manner described below:

**IMAGEKEEPER'S NOTICE OF EVOKE'S LACK OF STANDING IN
RESPONSE TO EVOKE'S JOINDER TO WRIGHT FLOOD'S MOTION TO
COMPEL TRADE SECRET DISCLOSURE FROM IMAGEKEEPER AND STAY
OF DISCOVERY PENDING THE SAME**

☒ BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy on designated recipients through Polsinelli LLP's electronic mail system from mortiz@polsinelli.com as provided under Federal Rules of Civil Procedure to the email addresses set forth below:

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**ATTORNEYS FOR DEFENDANT
EVOKE TECHNOLOGIES PRIVATE
LIMITED**

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Executed on February 17, 2021, at San Jose, California.

3 By: /s/ Marilyn Ortiz
4 Marilyn Ortiz
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